

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Crim. No. 14-394 (DWF/LIB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Rahmad Lashad Geddes,
a/k/a “Face,” a/k/a “Poo Poo,”
a/k/a S. Honore Geddes,
a/k/a Jermaine Harvey,

Defendant.

This matter is before the Court upon Defendant Rahmad Lashad Geddes’s (“Defendant”) objections (Doc. No. 34) to Magistrate Judge Leo I. Brisbois’s January 15, 2015 Report and Recommendation (“R&R”) (Doc. No. 33) insofar as it recommends that: (1) joinder of all three Counts was proper; and (2) Defendant has failed to carry his heavy burden in overcoming the preference for a joint trial; and (3) Defendant’s Pretrial Motion for Severance of Counts be denied. Plaintiff filed a response in opposition to Defendant’s objections on February 6, 2015. (Doc. No. 38.)

The Court has conducted a *de novo* review of the record, including a review of the arguments and submissions of counsel, pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b). The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference for purposes of Defendant’s objections.

In the R&R, the Magistrate Judge found that: (1) joinder of all three Counts was proper; and (2) Defendant failed to carry his heavy burden in overcoming the preference for a joint trial. (*See* Doc. No. 33.) Defendant makes generalized objections to the R&R, arguing that the offenses have no “connection in terms motive, intent, scheme or plan” and that if the offenses were tried together, Defendant would be severely prejudiced by the “inflammatory fact” of having a firearm. (*See* Doc. No. 34.) Defendant also makes a reference to the prejudicial effects of alleged racial implications arising from having the offenses together. (*Id.* at 2.)

Having considered these arguments and the relevant case law, the undersigned agrees with the Magistrate Judge’s determination that joined counts are proper in this case and that Defendant has failed to meet his heavy burden in overcoming the preference for a joint trial. Defendant’s arguments fail to show prejudice. Further, the case law supports the inclusion of firearms-related counts in a case such as this one. (*See* Doc. No. 38 at 7.) Additionally, the strong presumption in favor of joined counts, where joinder is proper as it is here, and the related nature of the offenses based on the timing and facts of this case, support joinder. Consequently, the Court adopts the Magistrate Judge’s order on this matter.

Thus, based upon the *de novo* review of the record and all of the arguments and submissions of the parties, and the Court being otherwise duly advised in the premises, the Court hereby enters the following:

ORDER

1. Defendant Rahmad Lashad Geddes's objections (Doc. No. [34]) to Magistrate Judge Leo I. Brisbois's January 15, 2015 Report and Recommendation are **OVERRULED**.

2. Magistrate Judge Leo I. Brisbois's January 15, 2015 Report and Recommendation (Doc. No. [33]) is **ADOPTED**.

3. The Court finds that (1) joinder of all three Counts was proper, and (2) Defendant has failed to carry his heavy burden in overcoming the preference for a joint trial. The Defendant's Pretrial Motion for Severance of Counts, (Doc. No. [30]), is **DENIED**.

Dated: February 17, 2015

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge